

099-15214-10478

Express Mail Label No. EV 057 398 085 US

Docket No. 37167-8040.US00 (13724-849)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Johnson *et al.*

SERIAL No.: 09/916,214

FILED: July 25, 2001

FOR: **APPARATUS FOR DETECTING AND TREATING
TUMORS USING LOCALIZED IMPEDANCE MEASUREMENT**

EXAMINER: Unknown

ART UNIT: 3761

CONFIRMATION No. 6833

**Response to Notice to File Missing
Parts of Application**

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

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Sir:

1. In response to the Notice to File Missing Parts mailed September 7, 2001 (copy enclosed), applicant submits the following:

- ☒ A Petition to Revive Unintentionally Abandoned Application under 37 CFR 1.137(b).
- ☒ An executed Inventorship Declaration by Joint Inventors
- ☒ An executed Power of Attorney by Assignee
- ☒ a **copy** of an assignment recordation cover sheet **for information purposes only** (Form PTOL-1595) for assignment being filed separately.
- ☒ A Preliminary Amendment
- ☒ A Request for Corrected Filing Receipt with copy of original filing receipt with added priority data noted thereon.

2. Conditional Petition for Extension of Time

Applicant petitions for an Extension of Time if necessary for timely filing of this Response.

3. Fee Payment

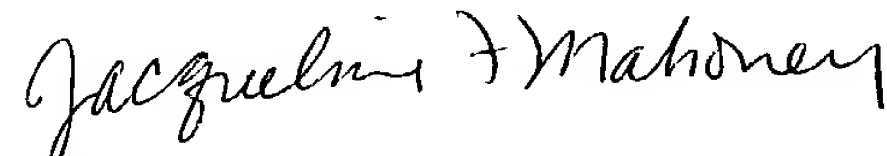
- ☒ Applicant claims small entity status. See 37 CFR §1.27.

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- ☒ Enclosed is a check in the amount of **\$795.00** which includes the petition to revive fee (\$640.00), the fee for 10 total claims in excess of 20 (\$90.00), and the surcharge for late filing of the executed declaration (\$65.00).
- ☒ Please charge any underpayment or credit any overpayment for timely filing of this Response to Deposit Account No. **50-2207**.

Respectfully submitted,

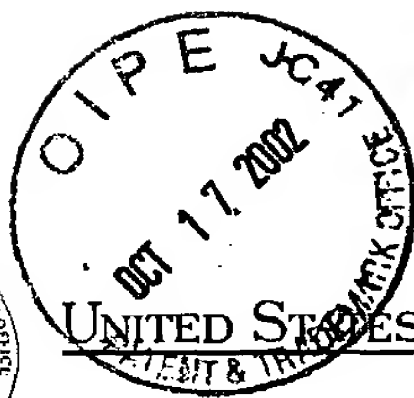


Jacqueline F. Mahoney
Registration No. 48,390

Date: October 17, 2002**Correspondence Address:**

Customer No. 22918

Phone: (650) 838-4410



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/916,214 | 07/25/2001 | Theodore C. Johnson | 13724-849 |

CONFIRMATION NO. 6833

FORMALITIES LETTER



OC000000006531612

Joel Harris
967 North Shoreline Boulevard
Mountain View, CA 94043

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Date Mailed: 09/07/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).


- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$557.
 - \$342 for 38 total claims over 20.
 - \$80 for 2 independent claims over 3.
 - \$135 for multiple dependent claim surcharge.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 977.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

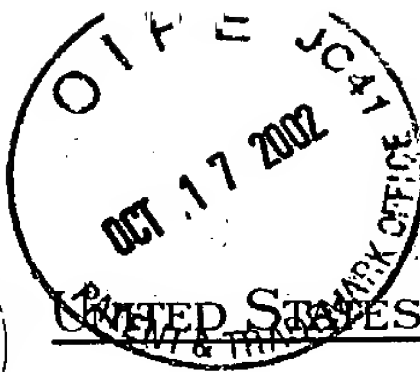
A copy of this notice MUST be returned with the reply.



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-------------|-----------------------|------------------------|
| 09/916,214 | 07/25/2001 | Theodore C. Johnson | 13724-849 |

CONFIRMATION NO. 6833

Joel Harris
967 North Shoreline Boulevard
Mountain View, CA 94043

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OFFICE OF PETITIONS

ABANDONMENT/TERMINATION
LETTER

OC000000008701868

Date Mailed: 08/29/2002

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 09/07/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

10/21/2002 AHONDAF1 00000094 09916214

02 FC:2051
03 FC:2202

65.00 OP
90.00 OP